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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,660	06/28/2001	Justin Chickles	5150-43101	1628

35690	7590	06/16/2005

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EXAMINER
TRAN, MYLINH T

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/894,660	CHICKLES ET AL.
	Examiner	Art Unit	
	Mylinh Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 December 2004</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-61</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-61</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Applicant's Amendment filed 12/02/04 has been entered and carefully

considered. However, limitations of amended claims have not been found to be

patentable over the prior art of record, therefore, claims 1-61 are rejected under

the same ground of rejection as set forth below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-7, 10, 32-37, 49-50 and 55-61 are rejected under 35

U.S.C. 102(e) as being anticipated by Fowlow et al. [US. 6,189,138].

As to claims 1, 32, 49 and 55, Fowlow et al. discloses a computer implemented

method and corresponding apparatus for adding program elements to programs

in a graphical user interface comprising the steps/means for a memory

configured to store program instructions (column 6, lines 5-15); a display device

(column 4, lines 25-30); a processor configured to read the program instructions

from the memory and to execute the program instructions (column 8, lines 31-

50); displaying a program currently being edited in a first graphical user

interface displayed on a computer system, wherein the computer system

comprises a display (figure 5, column 10, lines 30-44); displaying a search

window on the display (figure 6, 610, 612); receiving user input to the search

window specifying one or more search criteria (column 12, lines 14-35);

identifying and displaying information indicating a plurality of possible program

elements in the search window in accordance with the one or more search

criteria (column 12, lines 14-52); receiving user input for selecting a program

element from the plurality of possible program elements (column 12, lines 53-

67); including the selected program element in the program (figure 5, 552,

column 11, lines 28-45).

As to claims 2-4 and 33-35, Fowlow et al. teaches the plurality of possible

program elements being selectable by the user from the search window to add

functionality to the one or more windows of the program (column 11, lines 28-42

and column 12, lines 12-35). Fowlow et al. also teach the program including a

graphical user interface, wherein the graphical user inerface of the program is

different from the first graphical user interface wherein during execution of the

program, one or more elements of the graphical user interface of the program

are operable to receive and/or output information (figure 6, column 12, lines 30-

60).

As to claims 5, 36 and 50, Fowlow et al. also teaches receiving user input to

drag-and-drop the selected program element into the first window (figure 5, 552,

column 11, lines 29-45)

As to claims 6 and 37, Fowlow et al. teaches searching for the search string in a plurality of text items comprising text items related to the program elements (column 12, lines 15-35); and displaying one or more text items located by said searching for the search string, wherein each of the one or more located text items includes the search string, and wherein each of the one or more located text items references one of the plurality of possible program elements (column 12, lines 15-53).

As to claim 7, Fowlow et al. also teaches the user input selecting the program element from the plurality of possible program elements specifies one of the one or more located text items, wherein the specified located text item references the selected program element (figure 5, column 13, lines 44-65).

As to claim 10, Fowlow et al. also shows displaying the search window being performed in response to user input to the graphical user interface (figure 6, 612).

As to claims 56-57, Fowlow et al. provide the program being displayed in a first area of the display and the one or more program elements being displayed in a second area of the display (figure 5, 552, 552'); wherein said including the selected program element in the program comprises receiving user input to drag-and-drop the selected program element from the second area to the first area (column 11, lines 28-45).

As to claims 58-59, Fowlow et al. also provide the program being displayed in a first window of the graphical user interface and the one or more program

elements are displayed in a second window of the graphical user interface

(figure 5, column 10, lines 30-52); wherein said including the selected program

element in the program comprises receiving user input to drag and drop the

selected program element from the second window to the first window (column

11, lines 28-45).

As to claim 60-61, Fowlow et al. demonstrate the program being a graphical

program which comprising a plurality of interconnected nodes that visually

indicate functionality of the graphical program and at least one of the one or

more program elements including a node which is operable to be

interconnected with the plurality of interconnected nodes (column 3, lines 47-

65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented
and the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-9, 11-31, 38-48 and 51-54 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Fowlow et al.

As to claims 8 and 38, Fowlow et al. discloses the palette window including

plurality of palette items. Fowlow et al. fails to clearly teach hierarchy of palette

windows. However, Official notice is taken that implementation of hierarchy of

palette windows was well known in the computer art. It would have been

obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation of hierarchy of palette window with Fowlow's one palette window. Motivation of the combination would have been to present a large number of palette items.

As to claims 9, 19 and 39, Fowlow et al. teaches the palette window including plurality of palette items. Fowlow et al. fails to teach the navigation items including a forward navigation item, a backward navigation item and an up navigation item are implemented in the hierarchy of palette windows. However, Official Notice is taken that implementations of the forward, backward and upward navigation items are well know in the art. In light of the rejection set forth above, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well know implementations of the navigation items to Fowlow. Motivation of the combination would have been to navigate among the hierarchy of palette window

As to claims 11, 20, 40, 44, 52 and 54, Fowlow et al. shows the displaying on the display the window comprising palette items. Fowlow et al. fail to teach the hierarchy of palette windows. However, Official Notice is taken that implementations of the plurality of palette windows in the hierarchical structure. In light of the rejection set forth above, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the well known implementations of the hierarchy of palette windows to Fowlow.

Motivation of the combination would have been to present a large amount of palette items.

Beside, Fowlow et al. discloses displaying on the display a first palette window from the hierarchy of palette windows, wherein one or more of the palette windows in the hierarchy comprise palette items that are selectable by a user to add functionality on one or more windows of a program currently being edited in the graphical user interface, and wherein one or more of the palette windows in the hierarchy of palette windows of the first palette window (figure 5, column 11, lines 29-45 and column 10, lines 30-44); receiving user input selecting a search item of the first palette window (column 12, lines 19-27); displaying a search window in response to said user input selecting the search item and receiving user input in the search window specifying a search criteria (figure 6, 612); identifying and displaying information regarding a plurality of possible palette items in search window in accordance with the search criteria user input (column 12, lines 14-52); receiving user input selecting a palette item from the plurality of possible palette items (figure 6, 552); and incorporating the selected program element in a first window of the one or more windows of the program (figure 5, 552, column 11, lines 28-45).

As to claim 12, Fowlow et al. shows wherein the palette items including icons that are selectable by the user to incorporate graphical user interface elements in a graphical user interface of the program currently being edited (column 3, lines 46-60).

As to claim 13, Fowlow et al. teaches the plurality of possible program elements being selectable by the user from the search window to add functionality to the one or more windows of the program currently being edited (column 11, lines 28-42 and column 12, lines 12-35).

As to claims 14, 42 and 53, Fowlow et al. also teaches receiving user input to drag-and-drop the selected program element into the first window (figure 5, 552, column 11, lines 29-45)

As to claim 15, Fowlow et al. teaches searching for the search string in a plurality of text items comprising text items related to the program elements (column 12, lines 15-35); and displaying one or more text items located by said searching for the search string, wherein each of the one or more located text items includes the search string, and wherein each of the one or more located text items references one of the plurality of possible program elements (column 12, lines 15-53).

As to claim 16, Fowlow et al. also teaches the user input selecting the program element from the plurality of possible program elements specifies one of the one or more located text items, wherein the specified located text item references the selected program element (figure 5, column 13, lines 44-65).

As to claims 17-18 and 23, Fowlow et al. also shows the plurality of possible palette items including palette items from the one or more of the palette windows in the hierarchy comprising palette items (figure 5, 552).

As to claim 21, Fowlow et al. teaches searching for the search string in a plurality of text items comprising text items related to the program elements (column 12, lines 15-35); and displaying one or more text items located by said searching for the search string, wherein each of the one or more located text items includes the search string, and wherein each of the one or more located text items references one of the plurality of possible program elements (column 12, lines 15-53).

As to claim 22, In light of rejection of hierarchy of palette windows, Fowlow et al. also provides the user input selecting the new palette window from the plurality of possible palette windows specifies one of the one or more located text items in the search window, wherein the specified located text item references the new palette window).

As to claim 24, In light of rejection of hierarchy of palette windows, Fowlow et al. demonstrates prior to said displaying the search window in response to said user input selecting the search item: receiving user input selecting a navigation item displayed on the search windows; and displaying a previously displayed palette window in the hierarchy of palette windows in response to said user input selecting the navigation item.

As to claim 25, In light of the rejection of hierarchy of palette windows, Fowlow et al. also demonstrates the navigation item is one of a forward navigation item, a back navigation item, and an up navigation item.

As to claim 26-28, In light of the rejection of hierarchy of palette windows,

Fowlow et al. discloses the navigation item being a back navigation item

operable when selected to display a most recently previously displayed palette

window in a backward direction; the navigation item being a forward navigation·

item operable when selected to display a most recently previously displayed

palette window in a forward direction and the navigation item being an up

navigation item operable when selected to display a parent palette window of

the first palette window, regardless of the most recently previously displayed

palette window.

As to claims 29, Fowlow et al. shows the program currently being edited is a

graphical program, and wherein the palette items include icons that are

selectable by the user to include function nodes in the graphical program

(column 3, lines 47-65).

As to claims 30 and 47, Fowlow et al. also demonstrates the program being a

graphical program, and wherein the palette items include icons that are

selectable by the user to add functionality to the graphical program (column 3,

lines 46-65).

As to claims 31 and 48, Fowlow et al. teaches the information regarding the

plurality of possible palette windows displayed in the search window includes

information regarding one or more possible program elements wherein the

information regarding the one or more possible program elements is selectable

by the user from the search window to add functionality to the program (column

12, line 14 through column 15, line 16).

As to claim 41, Fowlow et al. shows wherein the palette items including icons

that are selectable by the user to incorporate graphical user interface elements

in a graphical user interface of the program currently being edited (column 3,

lines 46-60) and Fowlow et al. teaches the plurality of possible program

elements being selectable by the user from the search window to add

functionality to the one or more windows of the program currently being edited

(column 11, lines 28-42 and column 12, lines 12-35).

As to claims 43 and 45, Fowlow et al. teaches searching for the search string in

a plurality of text items comprising text items related to the program elements

(column 12, lines 15-35); and displaying one or more text items located by said

searching for the search string, wherein each of the one or more located text

items includes the search string, and wherein each of the one or more located

text items references one of the plurality of possible program elements (column

12, lines 15-53) and Fowlow et al. also teaches the user input selecting the

program element from the plurality of possible program elements specifies one

of the one or more located text items, wherein the specified located text item

references the selected program element (figure 5, column 13, lines 44-65).

As to claim 46, In light of rejection of hierarchy of palette windows, Fowlow et al.

demonstrates prior to said displaying the search window in response to said

user input selecting the search item: receiving user input selecting a navigation

item displayed on the search windows; and displaying a previously displayed

palette window in the hierarchy of palette windows in response to said user

input selecting the navigation item.

In light of the rejection of hierarchy of palette windows, Fowlow et al. also

demonstrates the navigation item is one of a forward navigation item, a back

navigation item, and an up navigation item.

As to claim 51, Fowlow et al. discloses one or more of the palette windows in

the hierarchy each comprise one or more palette items that each represent one

of the plurality of possible program elements (column 13, lines 42-60).

Response to Arguments

Applicant has argued Fowlow does not teach or suggest "...identifying and displaying information indicating a plurality of possible program elements in the search window in accordance with the one or more search criteria...". However, Fowlow teaches a search window 612 for entering information for inputting into the file search engine. It would have been inherent for Fowlow to display the search information result. Applicant's attention is also directed to the column 12, lines 15-35 "...and a file search/navigation region. The search and navigation region comprises, in one embodiment, a find button 610 which, when depressed, provides the user with a means of identifying file and object characteristics that can be searched using search engines such as those well known in the computer science arts for searching objects and files based on a variety of characteristics".

Applicant argues that Fowlow does not teach or suggest "...receiving user input selecting a program element from the plurality of possible program elements...". However, Fowlow teaches the feature at column 12, lines 53-67, "the present invention provides a third interface for entering information pertaining to the particular component or part that has been selected".

Applicant also argues Fowlow fails to teach "including the selected program element in the program" and "the plurality of possible program elements are selectable by the user from the search window to add functionality to the

program". Figure 5 shows one component 552 being dragged into the window

501 to become a new part 552'.

Regarding the argument about the official notice of "one or more of the palette

windows in the hierarchy of palette windows comprises a search item". Fowlow

et al. fail to clearly teach the features. However, in the same field of the

invention, the claimed limitations are disclosed by Takahashi et al. [US.

6,339,439]. Takahashi et al. cite " wherein the items of the display plane

forming information of logical display planes that have a hierarchical

relationship include information describing the hierarchical relationship..." (see

abstract). Applicant's attention is also directed to column 4, lines 18-31 and

column 11, lines 10-35. It would have been obvious to one of ordinary skill in

the art, at the time the invention was made, to combine the teaching of

Takahashi et al. with Fowlow's search window. Motivation of the combination

would have been to save the system space when displaying plurality of

windows.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension

of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply

is filed within TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Mylinh Tran. The examiner can

normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Heather Herndon, can be reached at 571-272-4136.

The fax phone numbers for the organization where this application or

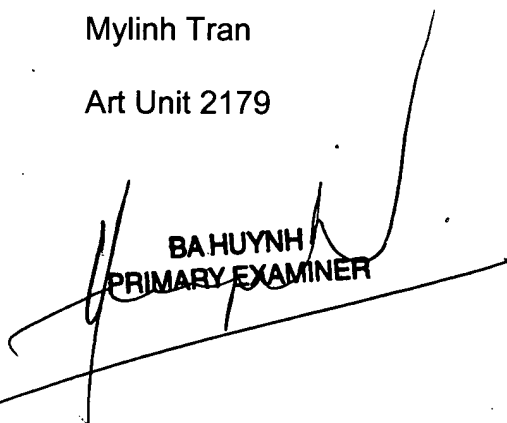proceeding is assigned are as follows:

703-872-9306

and / or:

571-273-4141 (use this FAX #, only after approval by Examiner, for

"INFORMAL" or "DRAFT" communication. Examiners may request that a formal

paper / amendment be faxed directly to them on occasions).

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(toll-free).

Mylinh Tran

Art Unit 2179

BA HUYNH
PRIMARY EXAMINER